IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 3707 OF 1999

Economy Refrigeration Ltd. .. Plaintiff

versus

Chandra Hegde, Propl of Pinagara

Restaurant & Anr. .. Defendants

...

Mr.V. Yadav for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 14th March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff.

2. Perused the service report reported by the Section Officer, Board Department. Despite service of writ of summons, the defendant has not filed an appearance. In the circumstances, the plaintiff is entitled to a decree under Order 37 Rule 2(3) of the Code of Civil Procedure.

3. The plaintiff has filed on record the original documents along with a list. Perused the original documents and plaint. The plaintiff sold,supplied and delivered to the defendant goods under five invoices. Office copies of the invoices are filed on record. They bear the signature and/or stamp of the defendant. Invoices contain a term regarding payment of interest.

4. The defendant issued to the plaintiff two cheques of Rs.9,415/-. Both the cheques were dishonoured. The original cheques along with the returned memos are also filed on record. The plaintiff sent advocate’s notice of demand. However, the defendant neither complied nor replied. In the circumstances, the plaintiff is entitled to a decree as prayed. Hence, I pass the following order:-

5. The suit of the plaintiff is decreed in terms of prayer clause of the plaint.

6. Issue Court fee refund certificate as per rules.

D.G. KARNIK, J